

STATE OF SOUTH CAROLINA

(Caption of Case)

Annual Review of Base Rates for Fuel Costs for Duke
Energy Carolinas, LLCBEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

COVER SHEET

DOCKET
NUMBER: 2009 - 3 - E

(Please type or print)

Submitted by: Catherine E. Heigel

SC Bar Number: 9268

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Charlotte, NC 28202

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Other:

Email: catherine.heigel@duke-energy.com

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

DOCKETING INFORMATION (Check all that apply)

☐ Emergency Relief demanded in petition☐ Request for item to be placed on Commission's Agenda expeditiously☒ Other: Motion for Admission Pro Hac Vice and Verified Application of Brian Lamont Franklin


INDUSTRY (Check one)	NATURE OF ACTION (Check all that apply)			
<input checked="" type="checkbox"/> Electric	<input type="checkbox"/> Affidavit	<input type="checkbox"/> Letter	<input type="checkbox"/> Request	
<input type="checkbox"/> Electric/Gas	<input type="checkbox"/> Agreement	<input type="checkbox"/> Memorandum	<input type="checkbox"/> Request for Certification	
<input type="checkbox"/> Electric/Telecommunications	<input type="checkbox"/> Answer	<input checked="" type="checkbox"/> Motion	<input type="checkbox"/> Request for Investigation	
<input type="checkbox"/> Electric/Water	<input type="checkbox"/> Appellate Review	<input type="checkbox"/> Objection	<input type="checkbox"/> Resale Agreement	
<input type="checkbox"/> Electric/Water/Telecom.	<input type="checkbox"/> Application	<input type="checkbox"/> Petition	<input type="checkbox"/> Resale Amendment	
<input type="checkbox"/> Electric/Water/Sewer	<input type="checkbox"/> Brief	<input type="checkbox"/> Petition for Reconsideration	<input type="checkbox"/> Reservation Letter	
<input type="checkbox"/> Gas	<input type="checkbox"/> Certificate	<input type="checkbox"/> Petition for Rulemaking	<input type="checkbox"/> Response	
<input type="checkbox"/> Railroad	<input type="checkbox"/> Comments	<input type="checkbox"/> Petition for Rule to Show Cause	<input type="checkbox"/> Response to Discovery	
<input type="checkbox"/> Sewer	<input type="checkbox"/> Complaint	<input type="checkbox"/> Petition to Intervene	<input type="checkbox"/> Return to Petition	
<input type="checkbox"/> Telecommunications	<input type="checkbox"/> Consent Order	<input type="checkbox"/> Petition to Intervene Out of Time	<input type="checkbox"/> Stipulation	
<input type="checkbox"/> Transportation	<input type="checkbox"/> Discovery	<input type="checkbox"/> Prefiled Testimony	<input type="checkbox"/> Subpoena	
<input type="checkbox"/> Water	<input type="checkbox"/> Exhibit	<input type="checkbox"/> Promotion	<input type="checkbox"/> Tariff	
<input type="checkbox"/> Water/Sewer	<input type="checkbox"/> Expedited Consideration	<input type="checkbox"/> Proposed Order	<input type="checkbox"/> Other: _____	
<input type="checkbox"/> Administrative Matter	<input type="checkbox"/> Interconnection Agreement	<input type="checkbox"/> Protest		
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Interconnection Amendment	<input type="checkbox"/> Publisher's Affidavit		
	<input type="checkbox"/> Late-Filed Exhibit	<input type="checkbox"/> Report		

Print form

Reset form

In the Matter of:)
)
Annual Review of Base Rates for Fuel)
Costs for Duke Energy Carolinas, LLC) **MOTION FOR ADMISSION *PRO***
) ***HAC VICE***
)
)
)
)

Catherine E. Heigel
Catherine E. Heigel
Associate General Counsel
Duke Energy Carolinas, LLC
526 S. Church Street, EC03T
Charlotte, North Carolina 28202


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OFFICE OF THE GENERAL COUNSEL

Duke Energy Corporation
EC03T / P.O. Box 1006
Charlotte, NC 28201

CATHERINE E. HEIGEL
Associate General Counsel
704.382.8123 OFFICE
704.382.5690 FAX
catherine.heigel@duke-energy.com

May 28, 2009

VIA OVERNIGHT DELIVERY

South Carolina Supreme Court
Office of Bar Admissions
1231 Gervais Street
Columbia, South Carolina 29201

Re: SC PSC Docket Nos. 2005-385-E (Net Metering); 2009-3-E (Duke Energy Carolinas, LLC Fuel); and 2008-447-EG (Smart Grid)

Dear Clerk:

Enclosed for filing please find a copy of three Applications for Admission Pro Hac Vice and Certificate of Good Standing of Brian Lamont Franklin in the above-referenced cases. Also enclosed is the required filing fee of \$250.00 per Application.

Should you need additional information, please contact me at the number listed above.

Sincerely,



Catherine E. Heigel

Enclosures

cc: Parties of Record
Mr. Charles Terreni, Chief Clerk, SC PSC

**VERIFIED APPLICATION FOR ADMISSION *PRO HAC VICE*
IN THE STATE OF SOUTH CAROLINA**

IN THE MATTER OF:

Docket No. 2009-3-E

Annual Review of Base Rates for Fuel Costs for
Duke Energy Carolinas, LLC

Public Service Commission of South Carolina

Mailing Address:

101 Executive Center Drive, Suite 100
Columbia, South Carolina 29210

Comes now, Brian L. Franklin, applicant herein, and respectfully represents the following:

1. Applicant resides at:

e

2. Applicant is an attorney and a member of the law firm of (or practices law under the name of)

Duke Energy Corporation, with offices at

526 South Church Street

Street Address

Charlotte

City

Mecklenburg

County

North Carolina

State

28202

Zip Code

980-373-4465

Telephone

704-382-4494

Fax Number

3. Applicant has been retained personally or as a member of the above named law firm by Duke Energy Carolinas, LLC to provide legal representation in connection with the above case now pending before the above named court of the State of South Carolina.

4. Since June of 2006, applicant has been, and presently is, a member in good standing of the bar of the highest court of the District of Columbia or the State of North Carolina where applicant regularly practices law. Attached is a certificate of good standing.

5. Applicant has been admitted to practice before the following courts: (List all of the following courts applicant has been admitted to practice before: United States District Courts; United States Circuit Courts of Appeals; the Supreme Court of the United States; and courts of other states or the District of Columbia.)

Court:

United States District Court, Northern District of Illinois

Date Admitted:

May 2001

Applicant is presently a member in good standing of the bars of those courts listed above, except as listed below: (List any court named in the preceding paragraph that applicant is no longer admitted to practice before).

Applicant no longer is licensed to practice in Illinois. Applicant allowed registration to lapse following permanent relocation to North Carolina in 2006.

6. Applicant presently is not subject to any suspension or disbarment proceedings, and has not been formally notified of any complaints pending before a disciplinary agency, except as provided below (give particulars, e.g., jurisdiction, court, date):

Not applicable

7. Applicant never has had any application for admission *pro hac vice* in this or any other jurisdiction denied or any *pro hac vice* admission revoked, except as provided below (give particulars, e.g., date, court, docket number, judge, circumstances; attach a copy of any order of denial or revocation):

Not applicable

8. Applicant never has had any certificate or privilege to appear and practice before any administrative body suspended or revoked, except as provided below (give particulars, e.g., date, administrative body, date of suspension and reinstatement):

Not applicable

9. Local counsel of record associated with applicant in this case is Catherine E. Heigel, of Duke Energy Corporation, which has offices at:

526 South Church Street

Street Address

Charlotte
City

Mecklenburg
County

North Carolina
State

28202
Zip Code

704-382-8123
Telephone

If applicable list all other firms/attorneys you are associated with in this matter

Not applicable

10. Applicant has previously filed an application to appear *pro hac vice* in the following South Carolina cases (give case name and status of litigation, date of application, local counsel of record in each case, and state whether application is pending or was granted).

Applicant has not previously filed applications to appear *pro hac vice* for cases in South Carolina. However, simultaneous with this application, Applicant is filing applications to appear *pro hac vice* in the following two matters:

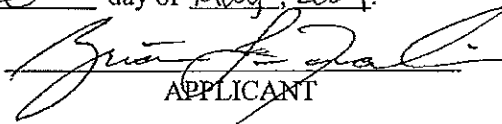
- Before the Public Service Commission of South Carolina, Docket No. 2005-385-E, Petition of the Office of Regulatory Staff to Establish Dockets to Consider Implementing the Requirements of: Section 1251 (Net Metering and Additional Standards of the Energy Policy Act of 2005); Local counsel of record is Catherine E. Heigel of Duke Energy Corporation; and

- Before the Public Service Commission of South Carolina, Docket No. 2008-447-EG, Petition to Establish Docket to Consider Implementing the Requirements of: Section 1307 (State Consideration of Smart Grid) of the Energy Independence & Security Act of 2007; Local counsel of record is Catherine E. Heigel of Duke Energy Corporation.

11. Applicant agrees to comply with the applicable statutes, laws and rules of the State of South Carolina and will familiarize him/herself with and comply with the South Carolina Rules of Professional Conduct. Applicant consents to the jurisdiction of the South Carolina courts and Commission on Lawyer Conduct.

12. Applicant respectfully requests to be admitted to practice in the above named court for this case only.

DATED this 28th day of May, 2009.


APPLICANT

VERIFICATION

STATE OF North Carolina)

COUNTY OF Mecklenburg)

I, Brian L. Franklin, do hereby swear or affirm under penalty of perjury that I am the applicant in the above styled matter; that I have read the foregoing application and know the contents thereof; and that the contents are true of my own knowledge, except as to those matters stated on information and belief, and that as to those matters I believe them to be true.

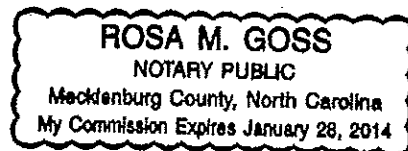
Brian L. Franklin
APPLICANT/AFFIANT

Subscribed and sworn to before me this 28th day of May, 2009.

R.M.G.

Notary Public for the State of North Carolina

My Commission Expires: 1/28/2014



LOCAL COUNSEL CONSENT

I hereby consent, as local counsel of record, to the association of applicant in this cause pursuant to Rules Governing Admission *Pro Hac Vice* to the South Carolina Bar.

DATED this 28th day of May, 2009.

Catherine E. Hergel
LOCAL COUNSEL OF RECORD

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of this application upon the South Carolina Supreme by mail addressed to: South Carolina Supreme Court Office of Bar Admissions, PO Box 11330, Columbia, SC 29211, accompanied by payment of the \$250 filing fee payable to the South Carolina Supreme Court on this 28th day of May, 2009.

Brian F. Frazier
APPLICANT/AFFIANT

The North Carolina State Bar

I, L. Thomas Lunsford, II, Secretary of the North Carolina State Bar, do hereby certify that Mr. Brian Lamont Franklin (35075) was licensed to practice law by the State of North Carolina on June 30, 2006. Said lawyer is presently eligible to practice law in North Carolina and, therefore, in good standing with the North Carolina State Bar. This certificate has no reference to delinquent membership obligations, prior discipline, or any disciplinary charges or grievances that may be pending.

Given over my hand and the Seal of the North Carolina State Bar, this

29th day of April, 2009.



A handwritten signature in black ink, appearing to read "L. Thomas Lunsford, II".

Secretary of the North Carolina State Bar